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THE SITUATION IN KOSOVO

Mr. BIDEN. Madam President, I rise at this moment to deplore the ongoing, brutal Serbian repression of the people of Kosovo and to lay out principles for American policy to deal with the crisis.

Analysts have known for years that the Serbian province of Kosovo is a potential tinderbox for the entire southern Balkans. Approximately ninety percent of Kosovo's population is ethnic Albanian, known as Kosovars. Because of emigration to--not from--to other parts of Serbia and because of a low birth rate, ethnic Serbs now constitute only about 7 percent of the province's population, down from a quarter of the population in the early 1970's.

Kosovo is revered, as you know, Madam President, by Serbs as the cradle of their culture. Near the provincial capital Pristina lies Kosovo Plain, the site of the epic battle of June 28, 1389 in which medieval Serb knights and other Europeans were defeated by the Ottoman Turks, who remained in control of much of the Balkans into this century. Many of the holiest monasteries of the Serbian Orthodox Church lie within Kosovo's borders.

The ethnic Albanians also have long historical ties to Kosovo, tracing, in fact, their origins to the Illyrians who inhabited the area in ancient times. Senator Byrd often talks of this heritage when he recites, as he does better than anyone, the history of Rome and its impact on the region.

In 1974, Yugoslav President Tito made Kosovo, along with Vojvodina in the north, an autonomous region within Serbia.

After Tito's death as the old Yugoslav Federation was beginning to disintegrate, an ambitious, demagogic Serbian politician named Slobodan Milosevic used Serbian nationalism and resentment of the Kosovo Albanians as a springboard to national power.

In 1989, Milosevic abrogated Kosovo's constitutional autonomy, concurrently launching a purge of ethnic Albanians from the province's civil service and curtailing government funding for public institutions, including the schools.

In response, the Kosovars, led by Dr. Ibrahim Rugova, a Sorbonne-educated intellectual, set up a shadow government and began a campaign of non-violent resistance to the Serbian oppression. The Kosovars set up and ran a system of public schools and maintained other public services. Rugova advocated attaining independence for Kosovo through Gandhian tactics. For most of this decade he was able to keep the lid on popular resentment and prevent violence.

Rugova's position began to be undermined when the Kosovo Question was left off the agenda at the Dayton Peace talks in November 1995. Younger Kosovars increasingly began to ask why they should hold fast to nonviolence when the Bosnian Serbs were rewarded for their violence and brutality with their own quasi-state within Bosnia.

In 1996 the beginnings of armed resistance to the Serbs appeared. A clandestine group calling itself the Kosova Liberation Army--KLA in English acronym or UCK in the Albanian acronym--carried out isolated attacks on Serbian police.

By this past winter the frequency of KLA attacks increased, and Milosevic decided to respond. In late February his special police units, backed up by the Yugoslav Army, stormed into the Drenica area, killing and mutilating civilians who they said were harboring KLA militants.

Some of you will remember, some of the people listening will remember, that's the circumstance in which the Yugoslav authorities would not allow the international community to examine the bodies. They rapidly buried them in mass graves and would not let outsiders come in and see what they had done.

But, Madam President, it is essential not to fall into the trap that some have done by making false parallels to Milosevic's vicious military repression.

These people, either for want of logic or perhaps as Serbian apologists, assert that Milosevic's storm troopers were only doing what any state would do against rebels.

But, Madam President, if Milosevic had not robbed Kosovo of its legal autonomy, had not closed its schools and other institutions, and had not summarily brutalized and fired thousands of Kosovars, the armed resistance never would have materialized.

Just yesterday in Moscow, Milosevic refused to deal with the KLA saying, 'I see no reason to conduct negotiations with terrorists.' I will return to these prospects for negotiations in a minute, but let me just respond to Milosevic's comment by saying that acting just as he did in Croatia and Bosnia, as he is acting in Kosovo, I ask the rhetorical question: Who is the terrorist?

Milosevic is a terrorist and a war criminal. He has demonstrated that over the past 5 to 6 years in Bosnia, and he is revealing it again in Kosovo.

Since the February and early March massacres by his troops, Milosevic has diddled the Western world, utilizing his classic 'bait-and-switch' tactics.

First, he agreed to negotiate with Dr. Rugova and, thereby, earned from the United States an ill-advised postponement of a ban on foreign investments in Serbia.

While talking, but not seriously negotiating with Rugova, Milosevic was busy setting in motion the next step in his state of terrorism. Late last month, his notorious special police sealed off western Kosovo and began a murderous campaign of ethnic cleansing, driving some 65,000 refugees into neighboring Albania and others into Montenegro. After killing hundreds and burning entire towns to the ground, Milosevic's forces have reportedly even resorted to strafing fleeing refugees from Yugoslav helicopters.

One would hope that the West has learned something from its pathetic temporizing in Bosnia earlier in this decade. Perhaps we have, but maybe we have not. The so-called Contact Group, made up of the United States, the United Kingdom, Germany, France, Italy, and Russia, has met regularly to try to hammer out a unified policy on Kosovo before it spins out of control. In spite of the fact that it operates by consensus, which means the 'lowest common denominator,' the Contact Group has agreed upon economic sanctions which, given time, will worsen the already catastrophic conditions of the Serbian economy.

But, Madam President, time is of the essence. Not only are thousands of innocent civilians--most of them Kosovars, but also some ethnic Serbs--being killed or driven from their homes, but the

continuing fighting threatens the stability of neighboring Albania and also of the former Yugoslav Republic of Macedonia, which itself has restive ethnic Albanians who constitute between one-quarter and one-third of its population.

Maintaining the integrity of Macedonia--a fragile democracy with a Slavic leadership genuinely committed to interethnic reconciliation--must be the cornerstone of U.S. policy. Above all, however, is the stark obvious fact that everyone should have learned from Bosnia, and that is, Slobodan Milosevic will only react to superior force being employed against him. He will not react otherwise.

Lest anyone forget, while economic sanctions against Yugoslavia may have modified Milosevic's position in Bosnia, it was only the use of American airpower for 3 weeks in the fall of 1995 that brought Milosevic and his Bosnian Serb puppets to the bargaining table in Dayton. So now, Madam President, we, once again, are faced with an unpalatable fact that force may have to be employed in order to prevent the need for even greater force later. But there is no decision more difficult than considering whether to send American troops into action.

I have been a Senator for 25 years. I started here when the Vietnam war was still underway, and I am here today. I find the single most intimidating decision that need be made by any of us is when we vote, as we have in the past, to put American forces in harm's way, and Kosovo is no exception.

Let me outline some of the basic principles that have to be part of that decision, outline whether or not that the decision, although difficult, will have to be made.

First, I believe that, except for those who prefer to withdraw to a 'Fortress America' posture, no one doubts the strategic importance of the south Balkans to the United States.

Second, before we embark upon any military or

political action, we must have our goals firmly established.

Third, I also believe that most of my colleagues will agree that NATO remains the cornerstone of American policy in Europe and should be the vehicle by which we act in Kosovo.

Fourth, it goes without saying that a primary concern in any military planning is to minimize the risk of American lives while ensuring the success of the mission.

With these principles in mind, let me examine our options in the Kosovo crisis now.

The United States has declared itself against independence for Kosovo, thereby putting itself at odds with the Kosovar leadership and people, the very ones who are currently being brutalized.

Madam President, I agree with the position our nation is taking. Whatever one may think of a broader decision made at the beginning of the 20th century as the Turks were pushed out of most of the Balkans, the ethnographic mix of the area simply precludes homogenous states, except through ethnic cleansing, which we must oppose. To put it bluntly, I would use force to stop massacres of innocent civilians. I would use force to prevent cross-border invasions. I would use peacekeepers backed up by force to guarantee the rights of minorities. But I would not risk American lives in a cause of a 'greater Albania' which would probably destroy the Macedonian state and set off a chain reaction of incalculable proportions in the south Balkans.

On the other hand, I cannot imagine asking the Kosovars to accept a return to the pre-1989 autonomy with Serbia. If Milosevic could summarily revoke the autonomy one time, he can do it again.

Therefore, my own preference as a political goal would be giving Kosovo full republic status within the Yugoslav federation, on an equal footing with Serbia and Montenegro. Perhaps we

would also have to have republic status for other parts of Serbia.

I recognize there are problems with such a solution. Milosevic will be dead set against it, since a Kosovo Republic would ipso facto consign Serbia to a minority role in the upper house of the Yugoslav Parliament and probably mean the end of Milosevic's quasi-dictatorial rule.

My response is that we and the Kosovars and the democratic leadership of Montenegro and the remaining democrats in Serbia should look at the probable outcome as an opportunity, not a problem.

Both Dr. Rugova and the KLA have insisted upon independence for Kosovo, but if they keep in mind the scenario I just outlined, they might, in the course of negotiations, agree to a 'third republic' or 'fourth republic' compromise.

But how about Milosevic? It is clear to me that only one principle continues to guide his policy, and that is clinging to power. In fact, since he took power in Serbia, Milosevic has been a dismal failure at everything, except staying in power.

His wars of aggression in pursuit of a goal of a 'greater Serbia' have resulted in the extinguishing of hundreds of years of Serbian culture in the Krajina and in Slavonia, and hundreds of thousands of Serbian refugees, and in the impoverishment of most Bosnian Serbs, and all this at a cost of over 300,000 persons killed.

Meanwhile, under Milosevic's stewardship Serbia itself has plummeted from having been one of the wealthiest countries of Central and Eastern Europe to a near basket-case.

But Milosevic clings to power. And it is, I regret to have to repeat, only the use of countervailing policy and force, power, that will remove Milosevic.

And this is the central point. While there is no panacea for the Balkan ills, the necessary

precondition for restoration of peace is a democratic government in Belgrade that is prepared to coexist with the non-Serb peoples of the area.

In order to move events in that direction the Clinton administration has wisely supported the democratic reformist regime in Montenegro--of which Milo Djukanovic is the president--which is already posing a serious challenge to Milosevic within the Yugoslav parliament.

We must now apply all necessary pressure on Milosevic in Kosovo.

The Contact Group has issued four demands: a cessation of fighting; the unconditional withdrawal of Serbian special police forces and Yugoslav Army forces from Kosovo; a return of refugees; and unlimited access for international monitors.

Milosevic's statement on Tuesday in Moscow after his talks with Russian President Yeltsin did not go far enough. He refused to withdraw his troops or to talk with the KLA--two conditions the Contact Group is asking for.

Milosevic's usual half-way tactics must not dilute the West's resolve to force him to meet all the demands.

NATO has already tasked its military experts to come up with military options for moving against the Serbs and Milosevic.

Reportedly, nine preliminary options have been submitted. They range from stationing troops along Kosovo's borders, to imposing a new 'no-fly zone' and a 'weapons-exclusion zone' over part of Yugoslavia, to air strikes, and even ground invasions.

In this planning, the possible political ramifications of any military action are, I am sure, being factored in by this administration.

In the immediate future, though, the NATO military planners will flesh out the details of these

options. So, I think it would be imprudent for me or for any other Senator to second-guess the NATO military planners who have the relevant expertise and are in possession of the vital intelligence data needed to make a judgment.

What I can say is that the use of force must remain on the table, and that, if at all possible, it must be exercised through NATO.

Within NATO, however, there exists a serious problem. It does not revolve so much around whether or not to use force; for most of our European allies seem to have learned from our Bosnian experience that the use of force in Kosovo may well be necessary.

The dispute is rather over the question of whether approval by the U.N. Security Council is necessary before NATO acts outside the territory of its members. The United States has always maintained that it is not. As recently as our expansion vote on NATO we insisted that that is not a necessary precondition. A U.N. Security Council mandate is not a necessary precondition to use NATO forces.

This is a position reinforced, as I said, by the U.S. Senate in the Resolution of Ratification of NATO enlargement overwhelmingly passed on April 30 of this year.

Most--perhaps all--of our European NATO allies, including the British, assert that U.N. approval is necessary.

Madam President, this difference of opinion strikes at the heart of the Alliance, for if the European allies' position wins out, the Russians--and even the Chinese--will have a veto power over NATO action in Central and Eastern Europe. This is precisely where Bosnia and Kosovo-like ethnic conflicts are likely to pose the biggest threats to regional security in the coming decades. As much as I support the U.N., I, for one, am not about to yield to the Security Council, the Russians, and the Chinese the decision of whether or not we are able to protect the interests of

Europe--requiring their approval ahead of time.

We must make clear to our European allies, and to the Russians, that while we prefer to act within NATO, we see Kosovo as a vital national security interest of the United States and, hence, are prepared to act alone if necessary.

This is an unpleasant exercise, but it is preferable to face it now, rather than to postpone the issue. In fact, it would be good to resolve this intra-alliance dispute in the newest revision of NATO's Strategic Concept, which is now being discussed.

Finally, Madam President, I believe it is absolutely essential for the United States immediately to make contact with the Kosovo Liberation Army.

A withdrawal of Serbian special forces and Yugoslav Army troops, or a NATO bombing campaign, must not be done unless the KLA first agrees to a ceasefire. For I must repeat--the object of U.S. policy is not only to stop the movement toward a greater Serbia on the part of Mr. Milosevic, but it is also not to become a tool for a greater Albania in the South Balkans. It is to halt the fighting and then to start serious negotiations involving all the parties. I have already made clear my preferred political solution, but the outcome is for the parties to thrash out.

We are approaching the moment of truth in Kosovo. As usual, the indispensable element in solving the crisis is the active involvement of the United States, just as it was in Bosnia.

As the U.S. Government continues its negotiations with its allies and its Contact Group partners, and as NATO military planners continue to refine possible military options, I urge my colleagues to recognize the gravity of the situation and to make clear their support for resolute American leadership.

Madam President, I yield the floor.